

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CEDRIC MILES,

Petitioner,

v.

GARY H. FILION,

Respondent.

ORDER
02-CV-501S

1. On July 15, 2002, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Respondent filed an Answer to Petitioner's Petition on August 26, 2002.

2. On August 7, 2002, this Court referred this case to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, for all pretrial matters and for a Report and Recommendation.

3. On June 27, 2006, Judge Schroeder filed a Report and Recommendation recommending that Petitioner's Petition for Writ of Habeas Corpus be denied and dismissed. On August 23, 2006, Petitioner filed Objections to Judge Schroeder's Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

4. This Court has thoroughly reviewed this case *de novo* and has considered Judge Schroeder's Report and Recommendation, Petitioner's Objections thereto and the applicable law. Upon due consideration, this Court will accept Judge Schroeder's recommendation and deny and dismiss Petitioner's Petition for Writ of Habeas Corpus for the reasons stated in the Report and Recommendation. Petitioner's Objections are therefore denied.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's June 27, 2006 Report and Recommendation (Docket No. 7) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Petitioner's Objections (Docket No. 13) are DENIED.

FURTHER, that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is DENIED and DISMISSED.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: September 21, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge